

## **FISCAL NOTE**

### **SB 2489 – HB 3307**

February 15, 2006

**SUMMARY OF BILL:** Creates felony offense of “ecoterrorism,” defined as intentionally placing a person in reasonable fear of death or bodily injury in order to damage or disrupt an animal or plant enterprise. Violation resulting in death, but not constituting first-degree murder, is a Class A felony; serious bodily injury is a Class B felony; less serious bodily injury or costs in excess of \$500 is a Class C felony; other violations are Class B misdemeanors; multiple lesser violations are Class E felonies. Creates within Tennessee Bureau of Investigations (TBI) a registry of persons convicted of any property offense (not limited to ecoterrorism).

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$29,600 / Incarceration\***  
**\$200,000 Recurring**  
**\$157,800 One-Time**

##### Assumptions:

- Under current law, this bill's new Class A felony is punished as Class D felony of reckless homicide; this bill's new Class B felony is punished as Class D aggravated assault; this bill's new Class C felony is punished as Class E theft of property; and this bill's new Class E felony is punished as multiple misdemeanors. Incarceration costs from this bill are derived from the increase in terms of imprisonment resulting from elevating the length of sentence from the current offenses to the new offenses.
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. Every five years, one Class A felony offender will serve 5.4 additional years for a total annual operating cost of \$19,731.39. Currently a Class A felony offender will serve 6.0 years (2191.50 days). The time served per conviction is 438.3 days (0.20 x 2191.50 days served). Cost will be \$21,923.77 (\$50.02 x 438.3 days). A Class D felony offender currently serves 0.6 years (219.15 days). The time served per conviction is 43.83 days (0.20 x 219.15 days). Cost will be \$2,192.38 (\$50.02 x 43.83 days). The additional total annual operating cost will be \$19,731.39 (\$21,923.77 - \$2,192.38).
- Every five years, one Class B felony offender will serve 1.8 additional years for a total annual operating cost of \$6,577.13. Currently a Class

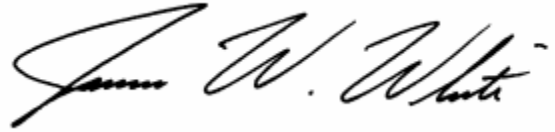
B felony offender will serve 2.4 years (876.6 days). The time served per conviction is 175.32 days ( $0.20 \times 876.6$  days). Cost will be \$8,769.51 ( $\$50.02 \times 175.32$  days). A Class D felony offender will serve 0.6 years (219.15 days). The time served per conviction is 43.83 days ( $0.20 \times 219.15$  days). Cost will be \$2,192.38 ( $\$50.02 \times 43.83$  days). The additional total annual operating cost will be \$6,577.13 ( $\$8,769.51 - \$2,192.38$ ).

- Every five years, one Class C felony offender will serve 0.6 additional years for a total annual operating cost of \$2,192.38. Currently a Class C felony offender will serve 0.9 years (328.73 days). The time served per conviction is 65.75 days ( $0.20 \times 328.73$  days). Cost will be \$3,288.82 ( $\$50.02 \times 65.75$  days). A Class E felony offender will serve 0.3 years (109.58 days). The time served per conviction is 21.92 days ( $0.20 \times 65.75$  days). Cost will be \$1,096.44 ( $\$50.02 \times 21.92$  days). The additional total annual operating cost will be \$2,192.38 ( $\$3,288.82 - \$1,096.44$ ).
- Every five years, one Class E felony offender will serve 0.3 years ((109.58 days). The time served per conviction is 21.92 days ( $0.20 \times 65.75$  days). Cost will be \$1,096.44 ( $\$50.02 \times 21.92$  days).
- Bill requires creation of registry of offenders convicted of committing any property offense, not limited to ecoterrorism.
- The one-time increase in expenditures reflects the salaries and benefits of 3 additional positions, office equipment, and other related expenses for the TBI.
- According to the U. S. Census Bureau, population growth in Tennessee has been 1.09% per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.

*\* Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director